APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/188,827	11/09/1998	JOHN FRANCIS REGAN	56012821-11	4780

7590   10/07/2002

FRANK P. FARFAN
DENNISON ASSOCIATES
133 RICHMOND STREET WEST SUITE 301
TORONTO, ON
CANADA

EXAMINER
HAYES, JOHN W

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	**Application No.** 09/188,827		**Applicant(s)** REGAN, JOHN FRANCIS
	Examiner John W Hayes	**Art Unit** 3621	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _26 July 2002_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-8,10,12-28,30-58 and 60-64_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8,10,12-16,22-28,30-43,54-58 and 60-64_ is/are rejected.

7)☒ Claim(s) _17-21 and 44-53_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _26 July 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

DETAILED ACTION

Response to Affidavitt

1.   The affidavit filed on 26 July 2002 under 37 CFR 1.131 is sufficient to overcome the Aleia et al and Ocwen Financial Corporation reference.

Status of Claims

2.   Applicant has previously deleted claims 9, 11, 29, 59. Thus, claims 1-8, 10, 12-28, 30-58 and 60-64 remain pending.

Drawings

3.   The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 26 July 2002 have been approved by the Draftsperson.

Claim Objections

4.   Claims 34 and 41 are objected to because of the following informalities: Claims 34 and 41 both depend upon claim 29 which has been canceled. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6.   Claims 27-28 is rejected under 35 U.S.C. 102(e) as being anticipated by *Campbell et al*, U.S.

Patent No. 4,774,664.

As per **Claims 27-28**, Campbell et al discloses a transaction processing system comprising a

general purpose computer including a memory, CPU and an input/output device (Figure 1; Col. 5, lines

45-58), a data repository coupled to the computer (Figure 1; Col. 6, lines 27-32; Col. 7, lines 44-50),

wherein the memory of the computer includes computer executable means to receive transaction

information for a transaction related to a property unit and store the transaction information and relevant

actions in a central repository (Col. 6, lines 3-9 and 47-54; Col. 10, lines 6-11; Col. 13, lines 59-65),

indicate a default condition for the transaction (Col. 10, lines 29-40; Col. 19, lines 12-18; Col. 20, lines 38-

64), initiate a recovery process for the transaction (Col. 10, lines 28-40; Col. 20, lines 38-64), providing

automated coordination of the recovery process using the transaction information stored in the data

repository, the transaction information being regularly updated to indicate a current status of the

transaction (Col. 10, lines 28-40; Col. 20, lines 38-64; Col. 21, lines 16-28; Col. 21 line 67-Col. 22 line 31;

Col. 23, lines 7-28) and providing predetermined business reports generated as a function of the

transaction information stored in the data repository (Col. 11, lines 20-65; Col. 12 line 60-Col. 13 line 5;

Col. 14, lines 8-40).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

8.   Claims 1-8, 10, 12-16, 22-26, 30-43, 54-58 and 60-64 are rejected under 35 U.S.C. 103(a) as

being unpatentable over *Campbell et al*, U.S. Patent No. 4,774,644 in view of Rose, Jr., U.S. Patent No.

5,521,815

As per **Claims 1-8, 10, 12-13, 16, 22-26, 30-41, 43, 54-58 and 61-63**, Campbell et al discloses a

method for transaction processing comprising the steps of receiving transaction information for a

transaction and storing the transaction information in a central repository (Col. 6, lines 3-9 and 47-54; Col.

10, lines 6-11; Col. 13, lines 59-65), indicating a default condition for the transaction (Col. 10, lines 29-40;

Col. 19, lines 12-18; Col. 20, lines 38-64), initiating a recovery process for the transaction (Col. 10, lines

28-40; Col. 20, lines 38-64) and providing automated coordination of the recovery process by computer

means using transaction information stored in the central repository, the transaction information being

updated to indicate a current status of the transaction, the transaction being associated with a property

unit, the transaction information including relevant information regarding the property unit and the

recovery process including process stages taken with respect to disposal of the property unit (Figures 13-

20; Col. 10, lines 28-40; Col. 20, lines 38-64; Col. 21, lines 16-28; Col. 21 line 67-Col. 22 line 31; Col. 23,

lines 7-28), wherein the computer executable means includes an access control module for controlling

access by a user to the data repository as a function of an identity of the user (Col. 8 line 65-Col. 9 line 7).

Campbell et al further disclose wherein multiple remote offices communicate with the system to

update the transaction information (Col. 5 line 59-Col. 6 line 13; Col. 11, lines 36-44; Col. 14, lines 18-26;

Col. 24, lines 34-51), however, Campbell et al fail to specifically disclose communication with multiple

service providers in response to the transaction information and wherein the multiple service providers

are able to update the transaction information. Rose, Jr. discloses a system for verifying and tracking

articles of value such as vehicles, boats, land, etc., and teach a centralized data base connected to

various authorized agents such as insurance agents and car dealers, and to government agencies such

as department of motor vehicles and tax collecting agencies so that all relevant data on an item can be

maintained on a centralized system which is accessible to all who need the information (Abstract; Figure

1A). Rose, Jr. further discloses that the centralized data base is connected to all parties ordinarily

involved in transactions relating to the article and further allowing an authorized entity to be responsible

for tracking of the and issuance of titles related to the article (Col. 5, lines 13-29), wherein a service

provider is capable of transmitting and updating transaction data information in the database (Col. 6, lines

55-60; Col. 7, lines 17-38; Col. 8, lines 12-20; Col. 11, lines 45-60; Col. 12 line 65-Col. 13 line 5; Col. 13, lines 53-58) and generating a security interest document (Col. 7, lines 34-38. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Campbell et al and provide automated communications between all service providers involved in a transaction and allow the different service providers to update the transaction information stored in a centralized database as taught by Rose, Jr. Rose, Jr. provides motivation by indicating that this feature would provide a needed centralized data base wherein information from various service providers could be maintained in one central location rather than disparate data bases. Rose, Jr. indicates that this would integrate the information maintained separately by each of those parties in a universal, continual and congruent manner and would ensure that all information is up to date and accurate and that it may be access by various parties (Col. 1, lines 27-38; Col. 2, lines 47-67).

Campbell et al also fail to specifically disclose wherein the information includes disposal information after recovery including at least one of managing, appraising and selling the property unit. However, the differences between the type of information updated and stored are only found in the non-functional descriptive material and are not functionally involved in the steps recited. The receiving, storing, initiating, providing and updating steps would be performed the same regardless of the descriptive material since none of the steps explicitly interact therewith. Limitations that are not functionally interrelated with the useful acts, structure, or properties of the claimed invention carry little or no patentable weight. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to receive, store and update any type of data from a plurality of service providers, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per **Claims 14-15 and 42**, Campbell et al further discloses wherein the computer executable means is responsive to an input from a user computer connected to the general purpose computer via a proprietary communication network (Col. 5, lines 59-68; Col. 6, lines 3-9 and 47-54; Col. 10, lines 6-11; Col. 13, lines 59-65; Col. 24, lines 34-51).

As per **Claims 60 and 64**, Campbell et al discloses a transaction processing system comprising a general purpose computer including a memory, CPU and an input/output device and adapted to communicate via a communication channel (Figure 1; Col. 5, lines 45-58), a data repository coupled to the computer (Figure 1; Col. 6, lines 27-32; Col. 7, lines 44-50), wherein the memory of the computer includes computer executable means to receive transaction information for a host of financial transactions each of which is associated with a property unit and entails obligations which, if not met, put the transaction in default, the information including information regarding the property unit and store the transaction information in a central repository (Col. 6, lines 3-9 and 47-54; Col. 10, lines 6-11; Col. 13, lines 59-65) and communicate, upon occurrence of a default for a specific transaction, all information contained in the repository related to the transaction relevant to the default (Col. 3, lines 45-50; Col. 10, lines 7-11). Campbell et al and Rose, Jr. teach wherein multiple service providers are able to receive and update transaction information as discussed above with reference to claim 1.

Campbell, however, fails to specifically disclose communicating information related to the services to be provided by the at least one service provider. However, the differences between the type of information provided are only found in the non-functional descriptive material and are not functionally involved in the steps recited. The receiving, storing, and communicating steps would be performed the same regardless of the descriptive material since none of the steps explicitly interact therewith. Limitations that are not functionally interrelated with the useful acts, structure, or properties of the claimed invention carry little or no patentable weight. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of

applicant's invention to receive, store and communicate any type of data from/to a plurality of service

providers, because such data does not functionally relate to the steps in the method claimed and because

the subjective interpretation of the data does not patentably distinguish the claimed invention.

Furthermore, claims directed to an apparatus must be distinguished from the prior art in terms of

structure rather than function, *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). A claim

containing a "recitation with respect to the manner in which a claimed apparatus is intended to be

employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art

apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd Pat.

App. & Inter. 1987). Thus, the structural limitations of claim 60, including a general purpose computer

including a memory, a CPU and an input/output device, a data repository and computer executable

means are disclosed in Campbell et as described above.

Allowable Subject Matter

9.   Claims 17-21 and 44-53 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

Conclusion

10.   The prior art previously made of record and not relied upon is considered pertinent to applicant's

disclosure.

• McCauley et al disclose a method and apparatus for determining an optimal investment plan for

distressed residential real estate loans and teach an REO model that considers a projected sales price of

the REO property indicating that REO properties are typically disposed of

- Leudders, Dean, R., "Practical REO Management" teaches that effective REO management includes preparing a plan and budget that can provide a road map that assists the management and ultimate sale of the asset

- Sutton et al, "The Process of REO Management" teach that REO management typically includes establishing a plan for the property including disposing of the REO asset.

- Highbloom discloses a system for monitoring the status of individual items of personal property which serve as collateral for securing financing and teaches a method of recording liens

- Norris discloses a method and apparatus for automatic processing of a loan application and includes a application/customer profile module allowing the applicant to enter information that is stored in a database

- McCauley et al discloses a method and system for processing real estate loans based on loan data including personal data relating to a borrower, financial information relating to the borrower's financial position, and loan conditions.

- Ocwen Financial Corporation, "Ocwen Financial Corporation Forms Technology Subsidiary to Provide Software to Mortgage and Real Estate Industries", discloses an advanced mortgage loan servicing, resolution and origination technology available to third parties through software licenses. The software product includes proprietary loss mitigation and loan default management software systems. The system gives real estate and mortgage servicing professional's electronic access to all of the ancillary services necessary to close a real estate transaction or loan or foreclose on a mortgage loan, saving the user time and money.

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hayes whose telephone number is (703)306-5447. The examiner can normally be reached Monday through Friday from 5:30 to 3:00.
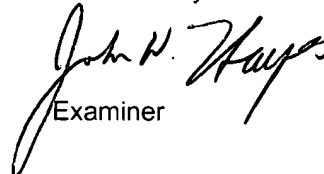
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammell, can be reached on (703) 305-9768.

The Fax phone number for the **UNOFFICIAL FAX** for the organization where this application or proceeding is assigned is (703) 746-5531 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

The Fax phone number for the **OFFICIAL FAX** for the organization where this application or proceeding is assigned is (703) 305-7687 (for formal communications intended for entry including After-Final communications).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

John W. Hayes

Examiner

03 October 2002